

APOLINAR SOTO
Claimant

VS.

KINSLEY FEED YARD
Respondent

AND

CIGNA INSURANCE
Insurance Carrier

The preliminary hearing Order of the Administrative Law Judge should be affirmed.

As indicated by James L. Gluck, M.D., one of claimant's treating physicians, claimant injured his right wrist as a result of his October 23, 1992 work-related accident. In his office notes dated January 11, 1995, Dr. Gluck writes:

"I do think that the nonunion occurred from a fracture from the time of the injury. I do not think that this was appreciated because of the significant problem with the left wrist at this time. I think that the right should be approached first as we are going to need to proceed surgically on the left and it would be helpful to have improved symptoms on the right after that surgery."

The doctor reiterated this opinion at his deposition taken by the respondent in June 1995. The injury to which Dr. Gluck referred in his office notes is claimant's October 23, 1992 work-related accident. According to Dr. Gluck's testimony, claimant's description of the accident is consistent with the injury sustained.

Based upon this evidence, the Appeals Board finds that the claimant's right wrist injury arose out of and in the course of his employment with the respondent.

The Appeals Board also finds that claimant gave respondent timely notice of accident and provided timely written claim. The claimant's testimony is uncontroverted that he told his supervisor about his accident approximately 30 minutes after it occurred. Respondent immediately sent claimant for medical treatment which initially concentrated upon the left hand. Respondent continued to authorize medical treatment at least through January 11, 1995, which is the date of the most recent office note from Dr. Gluck who appears to be the most recent authorized treating physician. Claimant filed his application for hearing pertaining to the October 1992 accident in January 1993. Therefore, claimant has established timely written claim for benefits for all injuries resulting from that accident. The Workers Compensation Act does not require an injured worker to list each and every body part that has sustained injury at the time of giving notice of accident or making written claim for benefits.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish dated March 25, 1996 should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of May 1996.

BOARD MEMBER

c: C. Albert Herdoiza, Kansas City, KS
Terry J. Malone, Dodge City, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director